

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A.,

Plaintiff,

v.

DEPFA BANK PLC and LLOYDS TSB
BANK PLC,

Defendants.

DEPFA BANK PLC,

Third-Party Plaintiff,

v.

ACCESS TO LOANS FOR LEARNING
STUDENT LOAN CORPORATION and
JPMORGAN CHASE BANK, N.A.,

Third-Party Defendants.

LLOYDS TSB BANK PLC,

Third-Party Plaintiff,

v.

ACCESS TO LOANS FOR LEARNING
STUDENT LOAN CORPORATION,

Third-Party Defendant.

No. 10 CV 4424 (JPO) (AJP)

**NOTICE OF MOTION IN LIMINE
TO EXCLUDE EVIDENCE
OF UTAH TRANSACTION,
INCLUDING TRIAL EXHIBIT 21**

PLEASE TAKE NOTICE that defendant and third-party plaintiff Lloyds TSB Bank plc, by its undersigned attorneys, will move this Court before the Honorable J. Paul Oetken at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., Courtroom 15D, New York, NY 10007, at such time and date as are convenient for the Court, for an Order, under Federal Rules of Evidence 401 and 402 and principles of New York contract law, excluding at

trial the evidence of a transaction between defendant and third-party plaintiff DEPFA BANK plc and the State Board of Regents of the State of Utah, including Trial Exhibit 21.

The motion is supported by the Declaration of Omar A. Khondker and the Memorandum of Law.

This motion is joined by plaintiff The Bank of New York Mellon Trust Company, N.A. and third-party defendants Access to Loans for Learning Student Loan Corporation and JPMorgan Chase Bank, N.A.

Dated: October 31, 2011
New York, New York

MINTZ LEVIN COHN FERRIS
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By: 

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CERTIFICATE OF SERVICE

On October 31, 2011, I caused to be served by email a true and accurate copy of the following (except item (3), which is to be served by overnight mail) on the counsel listed below:

1. Pretrial Memorandum of Law of Defendant and Third-Party Plaintiff Lloyds TSB Bank plc;
2. Proposed Findings of Fact and Conclusions of Law of Defendant and Third-Party Plaintiff Lloyds TSB Bank plc;
3. Notice of Motion *in Limine* to Exclude Evidence of Utah Transaction, Including Trial Exhibit 21;
4. Declaration of Omar A. Khondker in Support of Motion *in Limine*;
5. Memorandum of Law of Lloyds TSB Bank plc in Support of Motion *in Limine* to Exclude Evidence of Utah Transaction, Including Trial Exhibit 21; and
6. A binder containing the Deposition Designations and Counter-Designations of Lloyds TSB Bank plc.

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Dated: October 31, 2011
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